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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,767	02/27/2004	Brian Montgomery	FSP0046	1881
29586	7590	01/10/2007		
FSP LLC			EXAMINER	
P.O. BOX 890			HU, KANG	
VANCOUVER, WA 98666				
			ART UNIT	PAPER NUMBER
			3709	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/789,767

Applicant(s)

MONTGOMERY, BRIAN

Examiner

Kang Hu

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 2, recites the limitation “the presentation of a target”; line 5: “the target presentation”. There are insufficient antecedent basis for these limitations in the claim.

Claims 2, line 5 recites the limitation “the signal”. There is insufficient antecedent basis for this limitation in the claim.

Claim 6, line 2 recites the limitation “the signal”. There is insufficient antecedent basis for this limitation in the claim.

Claim 10, line 2 recites the limitation “the count value of the first counter”. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldfarb et al. (US 3,933,354).

Re claim 8: A target controller with counters to determine a delay between receipt of a start signal and target presentation; another counter to determine a target presentation duration; and a counter to determine a target presentation count (col2, lines 60-70; col 3, lines 29-54; col 4, lines 1-16; col 5, lines 25-70).

Re claim 9: The target controller having feature to be configured to provide the third counter with an initial count value selected from one of the count value of the first counter and a set of selectable fixed values (col2, lines 60-70; col 3, lines 29-54; col 5, lines 25-70).

Re claim 10: The target controller of claim 8, configured to provide the fourth counter with an initial count value selected from one of the count value of the first counter and a set of selectable fixed values (col2, lines 60-70; col 3, lines 29-54; col 5, lines 25-70).

Re claim 11: A target controller comprising: a first counter configured to count at a first rate; a second counter configured to count at a second rate; the first and second counter cooperating to determine a delay between receipt of a start signal and target presentation; a presentation duration control having a setting determined by one of the first and second counters; and a presentation count control having a setting determined by one of the first and second counters (col2, lines 60-70; col 3, lines 29-54; col 4, lines 1-16; col 5, lines 25-70).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldfarb et al. (US 3,933,354) in view of Schousek et al. (US 6,188,742)

Re claim 1: Goldfarb discloses an apparatus comprising a delay generator logic configured to generate a signal (col 2, lines 18-32) to cause the presentation of a target (col 1, lines 58-70) an after receiving a start signal; a presentation duration control logic configured to cause the target presentation to for a selectable predetermined time interval; and presentation count control logic configured-to cause target presentation to repeat for one of an unpredictable presentation count determined by the variable delay generator logic, and a selectable predetermined presentation count (col 3, lines 29-39).

However Goldfarb did not disclose the use of a variable delay generator logic in the claims.

Schousek teaches the use of a random delay circuit in his invention (abstract, col 2, lines 10-20).

Goldfarb further discloses:

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Re claim 2: multiple counters configured to count at different intervals for sounding scores and presentation of the target (col 5, lines 1 - 14; lines 27-60).

Re claim 3: the presentation duration control logic to display the target presentation consisting of both digital (col 4, lines 40-52) and analog circuits (col 2, lines 55-60).

Re claim 4: multiple counters for the presentation of targets (col 5, lines 35-55).

Re claim 5: presentation count control logic to provide a presentation count of the target (col 5, lines 27-67).

Re claim 6: the presentation of the target after an interval of time comprising a predetermined delay interval (col 2, lines 60-70).

Re claim 7: start/repeat logic to repeatedly generate the start signal a number of times determined by the presentation count control logic (col 3, lines 29-54).

Therefore in view of Schousek, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a random delay circuit to make the reflex testing amusement device more challenging and fun by increasing the random delay in between each target presentation.

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Conclusion

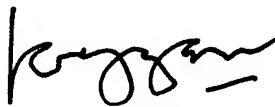
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stewart teaches a game for improving performance of a batter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 7:30 - 5(M-F) (Off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk(James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
Jan 4th, 2006


KIM NGUYEN
PRIMARY EXAMINER